



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/163382

PRELIMINARY RECITALS

Pursuant to a petition filed January 20, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on February 12, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the Petitioner meets approval criteria for a partial denture.

NOTE: Petitioner had her provider from the [REDACTED] of Dentistry submit a letter dated February 15, 2015. It has been marked as Exhibit 4 and entered into the record. With Petitioner's permission, ALJ Ishii contacted the provider and requested medical documentation to support the claim that the Petitioner has an unusual clinical situation. Petitioner's provider indicated in a string of e-mails that he believed the Petitioner's situation was unusual enough to warrant approval of a partial denture, but that he did not have Petitioner's medical records. The e-mail string has been marked as Exhibit 5 and entered into the record.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: OIG by letter

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. December 19, 2014, [REDACTED] of Dentistry ([REDACTED]) submitted, on behalf of the Petitioner, a prior authorization request for a maxillary partial denture, at a cost of \$745.00. (Exhibit 3, pg.8)
3. Petitioner is missing teeth 2 and 5, in her upper right quadrant and teeth 12, 13 and 14 in her upper left quadrant. (Id.)
4. On January 6, 2015, DHS sent the Petitioner and [REDACTED] notices, advising them that the request for coverage of a partial denture was denied. (Exhibit 3, pgs. 13-18)
5. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on January 20, 2015. (Exhibit 1)

DISCUSSION

Petitioner requests coverage of a partial denture to fill in gaps caused by three consecutive missing teeth on the left side of her maxilla and two non-consecutive missing teeth on the right side of her maxilla (There are two teeth between the gaps in the right side of Petitioner's maxilla).

In prior authorization cases, the Petitioner bears the burden of proof to show she meets approval criteria. Estate of Gonwa ex rel Gonwa v. Wisconsin Dept. of Health and Family Services, 265 Wis.2d 913, 668 N.W.2d 122, 2003 WI App. 152

Partial dentures may be covered when at least one of the following criteria are met:

1. One or more anterior teeth are missing,
2. The member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
3. The member has at least six missing teeth per arch, including third molars.
4. A combination of one or more anterior teeth are missing, and the member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
5. The member requires replacement of anterior teeth for employment reasons.
6. Medically necessary for nutritional reasons documented by a physician.
7. Unusual clinical situations where a partial is determined to be necessary based on a comprehensive review of the dental and medical histories.

See the on-line provider handbook, topic #3094, found at www.forwardhealth.wi.gov

Petitioner does not meet criteria one because, according to the Petitioner's testimony and the Prior Authorization request submitted by [REDACTED], the Petitioner is not missing any of her anterior/front teeth (teeth #6-11 and #22-27).

Petitioner has two or more posterior (back) teeth per quadrant that are in occlusion with the opposing quadrant (touching the teeth above or below them), so she does not meet criteria two.

Petitioner is only missing five teeth, total. As such, she does not meet criteria three.

As discussed above, the Petitioner is not missing any anterior teeth and as such, does not meet criteria four or five.

Petitioner asserts that she has not been able to eat well, because it is painful to eat anything other than soft foods. However, there is no documentation in the record from a medical doctor (not a dentist) to support a finding that the Petitioner needs a partial denture because she is not able to eat enough healthy food without it. Consequently, the Petitioner does not meet criteria six.

Petitioner argues that her clinical situation is unusual because food is constantly getting caught in the edentulous spaces (gaps in her mouth) which causes pain and irritation to her gums when she eats. The Petitioner testified that the situation is causing her gums to bleed. The Petitioner further asserts that her tongue also gets caught in the edentulous spaces, which causes her to bite her tongue.

The dental student providing services to the Petitioner indicated in his letter that the Petitioner has reported having pain when eating, because food is getting caught in the edentulous spaces and pushing on the gums when she eats. However, he made no mention of the Petitioner suffering from bleeding gum, nor did he make mention of injury to the Petitioner's tongue. As such, there appears to be some inconsistency between what the Petitioner is reporting to her dentist and what she reported at the hearing. Further, it is not clear from the record why the Petitioner is not able to adequately chew her food, using the teeth on the right side of her mouth. As such, there is insufficient evidence in the record to support a finding that the Petitioner has an unusual clinical situation that warrants approval of a partial denture. Petitioner does not meet criteria 7.

Based upon the foregoing, it is found that the Petitioner has not met her burden to prove that she meets approval criteria for a partial denture.

The Petitioner should note, that if her doctor or dentist diagnose serious complications caused by the missing teeth, her dentist can submit another prior authorization request for the partial dentures, along with both the medical and dental records substantiating the injury, infection, weight loss, nutritional deficits or other severe complications caused by the missing teeth.

CONCLUSIONS OF LAW

The Petitioner does not meet the approval criteria for a partial denture, as required by Department of Health Services policy, under topic #3094 of the on-line provider handbook.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

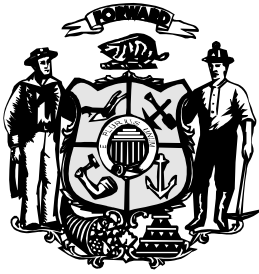
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 23rd day of March, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 23, 2015.

Division of Health Care Access and Accountability